

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CONSOLIDATED UNDER
CASE NO. 05-10155 PBS

Yisel Dean, Independent Administratrix of the)
Estate of Steven Dean, deceased, and on behalf of)
all statutory beneficiaries,)

Plaintiff,)
vs.)

)
Raytheon Company, a Delaware Corporation,)
Raytheon Aircraft Company, a Kansas)
Corporation, Raytheon Aircraft Credit)
Corporation, a Kansas Corporation, Raytheon)
Airline Aviation Services LLC, a Kansas)
Corporation, and Raytheon Aircraft Parts)
Inventory and Distribution Company LLC, a)
Kansas Corporation)

)
Defendants.)
)

Lisa A. Weiler, Administratrix of the Estate of)
Scott A. Knabe, deceased, and on behalf of all)
statutory beneficiaries,)

Plaintiff,)
vs.)

)
Raytheon Company, a Delaware Corporation,)
Raytheon Aircraft Company, a Kansas)
Corporation, Raytheon Aircraft Credit)
Corporation, a Kansas Corporation, Raytheon)
Airline Aviation Services LLC, a Kansas)
Corporation, and Raytheon Aircraft Parts)
Inventory and Distribution Company LLC, a)
Kansas Corporation)

)
Defendants.)
)

Case No.: 05 CV 10155 PBS

Case No.: 05 CV 10364 PBS

MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFFS' MOTION IN
LIMINE TO EXCLUDE LAY OPINION TESTIMONY
REGARDING PILOTS FUTURE INCOME

Plaintiffs, Yisel Dean and Lisa A. Weiler, by and through their undersigned counsel, submit this memorandum of law in support of their motion in limine to exclude evidence presented by Raytheon regarding lay opinion testimony regarding the future income of the pilots.

As grounds therefore, Plaintiffs state the following:

I. RAYTHEON WITNESS TESTIMONY REGARDING THE FUTURE INCOME OF THE PILOTS IS INADMISSIBLE LAY OPINION TESTIMONY

Evidence regarding the future income of the pilots presented by Raytheon witnesses is inadmissible lay witness testimony. If the witness is not as an expert, the witness' testimony in the form of opinions or inferences is limited to those opinions or inferences which are...(c) not based on scientific, technical, or other specialized knowledge within the scope of rule 702. FED. R. EVID. 701.

Raytheon failed to employ the services of an economist to project the future income of the deceased pilots of the subject crash. Without such expertise, any evidence offered by Raytheon's witnesses regarding future income projections is inadmissible because such evidence will not be based on scientific, technical, or other specialized knowledge that rule 701 requires. Additionally, the offered evidence through lay opinion testimony cannot be based on anything other than pure speculation by an unqualified and therefore unreliable source.

Therefore, any evidence offered by Raytheon witnesses regarding the future income of the pilots should be excluded from trial in this matter.

CONCLUSION

For all of the foregoing reasons, Plaintiffs respectfully request that this Honorable Court grant their motion.

REQUEST FOR ORAL ARGUMENT

In an effort to assist this Court in its determination of this motion, Plaintiffs respectfully request the opportunity to present oral argument pursuant to local rule 7.1(D).

Respectfully Submitted,

By: /s/ Mary Schiavo
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And

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Dated: January 25, 2007

CERTIFICATE OF SERVICE

I, Mary Schiavo, hereby certify that a true and correct copy of this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on January 25, 2007.

/s/ Mary Schiavo